

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

v.

PAUL J. MANAFORT, JR.,

Crim. No. 1:18-cr-83 (TSE)

Defendant.

**GOVERNMENT'S MOTION FOR CORRECTED RESTITUTION ORDER**

The United States of America, by and through Special Counsel Robert S. Mueller, III, respectfully files this motion for a corrected restitution order pursuant to Rules 35(a) and 36 of the Federal Rules of Criminal Procedure. In support of its motion, the government submits the following:

Full restitution to victims is required by the Mandatory Victims Restitution Act. 18 U.S.C. § 3663A(a)(1); *see, e.g.*, *United States v. Roper*, 462 F.3d 336, 337-38 (4th Cir. 2006) (“This language [18 U.S.C. § 3663A(a)(1)] clearly states that a restitution order imposed under the MVRA is mandatory.”). Moreover, “[i]n each order of restitution, the court shall order restitution to each victim in the full amount of each victim’s losses as determined by the court and without consideration of the economic circumstances of the defendant.” 18 U.S.C. § 3664(f)(1)(A); *Roper*, 462 F.3d at 339 (noting that MVRA removed district court discretion to order restitution for less than the full amount of the victim’s loss, even when defendant lacked the ability to pay).

Moreover, Federal Rule of Criminal Procedure 35(a) permits a district court within 14 days after sentencing to “correct a sentence that resulted from arithmetical, technical, or other clear

error.” Additionally, Rule 36 provides that “[a]fter giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.” *See, e.g., United States v. Roibal-Bradley*, No. CR 15-3253 JB, 2017 WL 3052523, at \*3 (D.N.M. June 20, 2017) (increasing restitution order pursuant to Rule 36 to correct a clerical error).

On March 7, 2019, the Court sentenced Paul Manafort, Jr. and directed the government to submit a restitution order after the hearing. *See* Doc. No. 320. On March 12, 2019, the government submitted a proposed restitution order to the Court that identified the total amount of restitution as \$24,815,108.74 with \$2,577,724.80 owed to Citizens Bank (Lender B). *See* Doc. No. 321. The Court signed the restitution order on March 13, 2019. *See* Doc. No. 322.

After the Court signed the restitution order, the government identified an arithmetical or other clear error in the restitution order concerning the amount of restitution owed to Citizens Bank (Lender B). The actual amount of restitution owed to Citizens Bank (Lender B) is \$3,260,103.66, which is the outstanding principal balance on the Howard Street property for two loans correctly reflected in paragraph 64 of the Presentence Report (“PSR”).<sup>1</sup> Manafort obtained two loans simultaneously on the Howard Street property – a residential mortgage and line of credit with outstanding principal balances of \$2,577,724.80 and \$682,378.86 respectively (totaling \$3,260,103.66). PSR ¶ 64. The parties used the outstanding principal loan balances on the Howard Street property to determine the amount of restitution due to Citizens Bank. However, when calculating the amount of restitution owed to Citizens Bank, both the probation

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<sup>1</sup> As stated in the PSR, Citizens Bank timely submitted a letter to the probation officer requesting restitution that included the line of credit and residential mortgage outstanding principal balances. *See* PSR ¶ 68 n.10.

office and government inadvertently failed to include the \$682,378.86 of outstanding principal balance Manafort owed from the line of credit on the Howard Street property.<sup>2</sup> *See PSR ¶¶ 68.* This arithmetical error – due to accidentally omitting the \$682,378.86 of outstanding principal balance on the line of credit – was an oversight and clear error. When the balance on the Howard Street property line of credit is correctly added, Citizens Bank’s total loss – and the amount of restitution owed to the Bank – is \$3,260,103.66 not \$2,577,724.80 as listed in the original order. Accordingly, the accurate total amount of restitution owed by Manafort is \$25,497,487.60 not \$24,815,108.74.

The government has conferred with defense counsel and they have no objection to the language or form of the attached proposed corrected restitution order. Nevertheless, Mr. Manafort continues to decline to sign the corrected restitution order as he did the original restitution order.

A redacted corrected restitution order is attached to this motion. The government will submit the unredacted proposed order directly to the Clerk’s office so it may be transmitted to chambers.

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<sup>2</sup> The \$682,378.86 of outstanding principal balance on the line of credit was included in the PSR’s loss calculation but not restitution calculation. *See PSR ¶¶ 64, 68.*

Respectfully submitted,

Dated: March 20, 2019

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of March, 2019, I will cause to be filed electronically the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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